

Senate Joint Resolution No. 22

RESOLUTION CHAPTER 7

Senate Joint Resolution No. 22—Relative to gasoline.

[Filed with Secretary of State February 27, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 22, Torlakson. Gasoline: MTBE.

This measure would memorialize the United States Environmental Protection Agency to reconsider granting an administrative waiver of the act's oxygenated gasoline requirement for the State of California, to the extent permitted by the federal Clean Air Act. The measure would also memorialize the United States Congress, if an administrative waiver is not granted, to enact legislation that would permit California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements of the federal Clean Air Act for reformulated gasoline, and would memorialize the President of the United States to sign that legislation, if enacted.

WHEREAS, The federal Clean Air Act Amendments of 1990 (P.L. 101-549) mandate the use of reformulated gasoline containing 2 percent, by weight, oxygen in areas designated as nonattainment areas due to high ambient ozone levels in summer months and high ambient carbon monoxide levels in winter months; and

WHEREAS, The federal oxygenate mandate requires the use of oxygenate in gasoline in approximately 70 percent of the California retail gasoline market; and

WHEREAS, California has historically led the nation in enacting air quality improvement measures that provide substantial health, economic, and social benefits for the state's citizens; and

WHEREAS, The State Air Resources Board's Cleaner Burning Gasoline Program has resulted in reducing emissions equivalent to removing 3.5 million cars from California's roads; and

WHEREAS, The California Cleaner Burning Gasoline Program provides greater flexibility than the federal program to produce gasoline that meets stringent emission reduction mandates; and

WHEREAS, Methyl tertiary-butyl ether (MTBE) has been used in California as the primary oxygenate additive to gasoline because its relatively low vapor pressure (RVP) simplifies the production of low-RVP summer gasolines, and because of its compatibility with the

blending and distribution system for gasoline, its ability to be transported by pipeline, and its high octane rating; and

WHEREAS, The Environmental Protection Agency's Blue Ribbon Panel on Oxygenates in Gasoline recommended that the 2-percent oxygenate requirement be removed and that MTBE be reduced substantially; and

WHEREAS, Pursuant to Chapter 816 of the Statutes of 1997, the University of California prepared a report that assessed the health and environmental effects of MTBE and submitted that report to the Legislature and the Governor in November 1998; and

WHEREAS, The University of California report found that there are significant risks and costs associated with water contamination due to the use of MTBE because it is highly soluble in water and will transfer readily to groundwater from leaking underground storage tank systems and other components of the gasoline distribution system; and

WHEREAS, The County of Santa Clara, the City of Santa Monica, the Lake Tahoe region, and the Sacramento area, as well as other municipalities in other areas of the state, have all been forced to shut down public drinking water wells due to MTBE contamination; and

WHEREAS, The University of California report found that over 60 percent of the reservoirs tested in California have detectable levels of MTBE; and

WHEREAS, The University of California report found that there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to the alternative nonoxygenated formulations identified by the California Cleaner Burning Gasoline Program; and

WHEREAS, United States Senators Diane Feinstein and James Inhofe previously introduced legislation, S. 947, to grant the governor of a state the power to waive the 2-percent oxygenate content requirement for reformulated or clean burning gasoline as long as the fuel meets all other requirements for reformulated gasoline other than those regarding oxygen content; and

WHEREAS, California has previously sought a waiver from the United States Environmental Protection Agency of the oxygen content requirement; and

WHEREAS, The United States Environmental Protection Agency denied California's request for a waiver on the grounds that there was not sufficient evidence that the waiver would help California to reduce harmful levels of air pollutants; and

WHEREAS, California has sought and received waivers from other provisions of the federal Clean Air Act, including Section 209(b)(1) of



that act, and has demonstrated no loss of air quality benefits after those waivers have been issued; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Environmental Protection Agency to reconsider granting an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement to the State of California, to the extent permitted by the federal Clean Air Act, given the state's independent requirements for clean gasoline that meet both state and national ambient air quality standards; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation, if an administrative waiver of the federal Clean Air Act is not granted by the United States Environmental Protection Agency, similar to, or including, the Feinstein-Inhofe legislation, that would authorize California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements in the federal Clean Air Act for reformulated gasoline; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to sign that legislation if it is enacted by the Congress of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the United States Environmental Protection Agency, the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

